

REMARKS/ARGUMENTS

Restriction to one of the following groups was required under 35 USC 121:

Group I: Claims 1-8, drawn to a calcium tartrate composition, classified in class 423, subclass 583.

Group II: Claims 9-11 and 14-16, drawn to a method of making calcium tartrate, classified in class 423, subclass 202.

Group III: Claims 12, 13, 17 and 18, drawn to a cementitious/plaster composition, classified in class 106, subclass 713.

In response to the restriction requirement, Applicant elects Group III, that is, Claims 12, 13, 17 and 18, drawn to a cementitious/plaster composition. Claims 1-8, 9-11, and 14-16 are hereby withdrawn as being drawn to a non-elected invention. As Claims 9-11 and 14-16 relate to methods of making certain compositions, Applicant reserves the right to seek rejoinder of Claims 9-11 and 14-16 under the rules established by the P.T.O. in response to *In re Brouwer* and *In re Ochiai*. M.P.E.P. §821.04. In addition, Applicant reserves full rights to pursue the subject matter of Claims 1-8, 9-11, and 14-16 in related applications.

As Claims 12, 13, 17 and 18 referred to the compositions of Claim 1 and Claim 4 therein, which are non-elected, Applicant has amended the elected claims to include the subject matter recited in Claims 1 and 4. These amendments do not narrow the scope of Claims 12, 13, 17, and 18 as the incorporated material was previously recited in the claims by virtue of the reference to Claims 1 and 4.

Appl. No. 09/902,441

Response Restriction Requirement and Preliminary Amendment dated Mar. 21, 2003

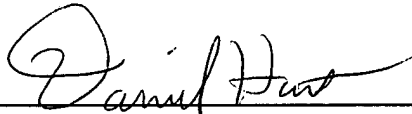
Reply to Restriction Requirement of Jan. 24, 2003

In view of the foregoing, Applicant respectfully requests that this amendment be entered prior to examination of this application. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

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Dated: March 21, 2003

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